UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/47/181
28 April 1992
ENGLISH
ORIGINAL: SPANISH

Forty-seventh session
Items 50, 58, 60 and 61 of the
provisional list*

SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS AND THEIR IMPACT ON INTERNATIONAL SECURITY

PREVENTION OF AN ARMS RACE IN OUTER SPACE

CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS

GENERAL AND COMPLETE DISARMAMENT

Letter dated 28 April 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement issued by the Government of Argentina concerning the Sensitive Exports Regime announced on 27 April 1992 by the President of the Argentine Republic, Dr. Carlos Saúl Menem (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as an official document of the General Assembly under items 50, 58, 60 and 61 of the provisional list.

(Signed) Alfredo V. CHIARADIA
Minister
Chargé d'affaires a.i.

* A/47/50.

ANNEX

Statement by the Government of Argentina concerning the Sensitive Exports Regime

The proliferation of weapons of mass destruction seriously jeopardizes world peace and security and constitutes one of the major challenges of the present age. All States must together take forceful action to halt it.

In this connection, Argentina, which has achieved a significant level of development in some particularly sensitive fields, considers that it has a duty to establish effective controls over exports that might have relevance for the production of weapons of the kind referred to above. Accordingly, the Executive has today established regulations governing the sale abroad of certain materials, equipment, technology, technical assistance and services relating to nuclear weapons and missiles, and chemical substances which could be used for the production and deployment of missiles and nuclear, chemical and bacteriological weapons.

The new regulations do not unduly restrict legitimate trade but rather incorporate international standards and are in keeping with the controls established by other countries. Other effective international standards as may be worked out in the future will also be successively incorporated into Argentina's domestic laws.

This important measure will be of definite assistance in promoting access by the country to high technology through international cooperation.

Description of the new regime:

A. General approach

Prior authorization must henceforth be obtained for exports covered by the new regulations. Applications will be considered on a case-by-case basis and a decision taken in the light of Argentina's firm commitment to the non-proliferation of weapons of mass destruction, international considerations (individual and regional framework, etc.) and specific conditions to be determined in each individual case.

B. Scope

1. Nuclear materials and equipment

A prior licence will be required for the export of reactors and enriched uranium, and of assemblies, equipment and components used in the conversion and enrichment of uranium, reprocessing of nuclear fuel, production of heavy water and fabrication of nuclear fuels. Materials included in this category are natural and depleted uranium, thorium, enriched uranium, plutonium, nuclear-grade graphite, deuterium and heavy water and radioactive isotopes.

Under this arrangement:

- As a general rule, authorization will not be given for the export of materials, equipment, technology, technical assistance and/or services connected with the conversion and enrichment of uranium, the reprocessing of fuel, the production of heavy water and the manufacture of plutonium.

- The export of reactors and enriched uranium or associated technology may be authorized provided that a bilateral agreement on nuclear cooperation for peaceful purposes is in force with the country concerned. In addition, the latter country must: (a) be a party to a comprehensive safeguards agreement with IAEA; (b) expressly undertake not to use the material exported by Argentina for purposes related to nuclear explosive devices; (c) adopt suitable safety standards for the material exported; (d) undertake to seek the consent of the Government of Argentina prior to the transfer of any exported material or material derived from exported material or the reprocessing of such material.

- The same approach shall be taken with respect to technical assistance in the nuclear sphere and the export of certain non-nuclear products which may have non-peaceful nuclear applications. A list of such dual-use products shall be drawn up by the National Commission for the Control of Sensitive Exports and Military Matériel.

- Any transfer in the nuclear sphere not governed by the preceding paragraphs to countries which have not signed comprehensive safeguards agreements with IAEA will require a prior export licence.

- The Executive will review export agreements and contracts in the nuclear sphere which predate the new legal regime with the aim of taking a decision within 30 days on their continuance.

2. Missiles and Missile Technology

- Arrangements have been made to incorporate into national legislation the lists of products and criteria recommended in the Missile Technology Control Regime (MTCR), to which the Argentine Republic decided to accede on 29 May 1991. This list includes products which Argentina has produced or imported, or which it might produce in future.

- The export, re-export or transfer of any material, equipment, technology, technological assistance and/or services included in the annex to MTCR will be subject to prior licence.

- As a general rule, exports, re-exports or transfers which might contribute to missile development will not be authorized. This category, in accordance with MTCR, includes exports of use in the development of space launcher vehicles.

3. Chemical and Bacteriological Weapons

- The new regulations require prior authorization for the export, re-export or transfer of certain dual-use chemical substances or families of substances, which have basic application in the production of chemical and/or bacteriological weapons.

- A prior licence will be required for the export, re-export or transfer of a number of chemical substances of commercial use which might be used in the production of chemical weapons. These substances, most of which are known as "precursors", have been internationally identified. Not all of them are ordinarily produced in Argentina.

- As a general rule, exports, re-exports or transfers of chemical substances, including toxins, which might contribute to the production of chemical and/or bacteriological weapons will not be authorized.

C. Obligation of Exporters

The exporter of any chemical substance or material, equipment, technology, technical assistance and/or services not specifically contemplated in the new regulations, will be required to obtain an export licence, when it is known or suspected that the export will or could be used in projects or activities relating to weapons of mass destruction.

D. Sanctions

Any export and/or authorization to export in contravention of the present Decree will give rise to such sanctions as may be applicable under the Customs Code, without prejudice to the fact that non-compliance constitutes an offence under the Penal Code. Furthermore, the Executive shall propose to the honourable Congress of the nation, the inclusion of specific sanctions in the Penal and Customs Codes for violation of the export rules relating to weapons of mass destruction.

E. Participation of Argentine Citizens

- As a general rule, the Executive will not authorize Argentine officials or subordinate employees to participate directly or indirectly in projects or activities of third countries having to do with weapons of mass destruction.

- Individuals and enterprises shall likewise be discouraged from participating, directly or indirectly, in such projects or activities.

F. Coordination with other Countries

Argentina will coordinate with other countries its policy concerning exports that might contribute to the production of weapons of mass destruction, with a view to building up an effective international system of control in this area.

G. Reports to Congress

The Executive will periodically report to the honourable Congress of the nation on applications concerning sensitive exports and military matériel and on any licences which may be granted or denied in this regard within the context of the new regulations.

H. National Commission for the Control of Sensitive Exports and Military Matériel

- Under the new regulations, the National Commission for the Control of Sensitive Exports and Military Matériel is established on the basis of the former Commission to Coordinate Policies with regard to the Export of Military Matériel (Decree 1097/85). The new organ retains the responsibilities of its predecessor and includes those related to the control of nuclear, missile, chemical and bacteriological exports.

- The Commission shall propose the normative measures needed in the various areas for the implementation of the new Sensitive Exports Regime.